

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**JUAN CARLOS MENDEZ,
6451 Lee Highway, #308,
Fairfax, Virginia 22031,**

Plaintiff,

v.

**SHAUGH-TAI FOGG,¹
5107 Goodnow Road, #F,
Baltimore, Maryland 21206,**

and

**FLEET TRANSIT, INC.,
3225 Tate Street,
Baltimore, Maryland 21226,
SERVE ON: Clifford Lee Hardwick,
201 North Charles Street, Suite 1501,
Baltimore, Maryland 21201,**

Defendants.

Case No.: _____

**[formerly Circuit Court for Fairfax
County, Virginia - Case No. CL2018-
15786]**

NOTICE OF REMOVAL

Defendant Shaugh-Tai Fogg, by undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, hereby submits this Notice of Removal, removing the above-captioned matter pending in the Circuit Court for Fairfax County, Virginia to this Court, and in support of this Notice states as follows:

¹ Plaintiff originally erroneously listed "Akiem Fogg" as a party defendant. By Order of the state court dated January 28, 2019, Plaintiff amended that identification to Fogg's actual name, Shaugh-Tai Fogg, at which point Fogg's counsel accepted service of the Complaint as amended.

1. On November 5, 2018, Plaintiff filed a Complaint styled *Juan Carlos Mendez v. Akiem Fogg, et al.*, in the Circuit Court for Fairfax County, Virginia, Case No. CL2018-15786.
2. By Order entered on January 28, 2019, Plaintiff amended his Complaint to correctly identify the individual defendant as Shaugh-Tai Fogg, at which point undersigned counsel accepted service. A copy of the Complaint, the Docket Sheet, an Answer filed by Fogg, and a Demurrer filed by Defendant Fleet Transit, Inc. are attached hereto as **Exhibit One**.
3. The attachments at Exhibit One hereto constitute the entirety of the documents which are in undersigned counsel's possession at this time for both Defendants.
4. Within thirty (30) days hereof, undersigned counsel shall file true and legible copies of all other documents on file in the Circuit Court for Fairfax County, Virginia.
5. Fleet Transit, Inc., also represented by undersigned counsel, consents to the removal.
6. According to the Complaint, and on information and belief, the Plaintiff is domiciled in the Commonwealth of Virginia.
7. Fogg is domiciled in the State of Maryland.
8. Fleet Transit, Inc. is corporation organized under the laws of the State of Maryland, with its principal offices located in Maryland. A copy of its registration to do business in the State of Maryland is attached as **Exhibit Two**.
9. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship among the necessary and properly named parties. The amount in controversy, exclusive of interest and costs, exceeds

- \$75,000.00. *See* Complaint attached as part of Exhibit One (demanding damages “not less than FIVE MILLION DOLLARS (\$5,000,000.00) plus interest and costs.”).
10. This Notice is timely pursuant to 28 U.S.C. § 1446(b) because it is filed within 30 days of the date that Fogg’s counsel accepted service of process on January 28, 2019 pursuant to the entry of the Order by the state court amending Plaintiff’s Complaint to include Fogg’s actual name.
 11. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because the United States District Court for the Eastern District of Virginia, Alexandria Division, is the federal judicial district embracing the Circuit Court for Fairfax, Virginia, where this matter was originally filed.
 12. By filing this Notice, Fogg does not waive any of his denials, objections, affirmative defenses, or other defenses he may have. Fogg intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.
 13. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing of Notice of Removal will be filed with the Circuit Court for Fairfax County, Virginia, substantially in the form attached hereto as **Exhibit Three**. Fogg will serve a copy of this Notice of Removal on Plaintiff in accordance with 28 U.S.C. § 1446(d).
 14. A civil cover sheet for this case is attached hereto as **Exhibit Four**.

WHEREFORE, Defendant Shaugh-Tai Fogg respectfully requests that this action be removed to this Court from the Circuit Court for Fairfax County, Virginia.

Dated: February 27, 2019.

Respectfully submitted,

SHAUGH-TAI FOGG,
By counsel:



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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February, 2019, I filed the foregoing Notice of Removal with the Clerk of Court by Federal Express. I also served counsel below with a copy of the Notice of Removal by hand-delivery:

Kara Kristie Bennis, Esquire
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